



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on February 13, 2004

NOTICE OF ACTION TAKEN
DOCKETS OST-2003-15021 and OST-2002-12554

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of American Airlines, Inc. filed February 6, 2004, for:

XX Limited dormancy waiver to preserve American's seven Los Angeles-Tokyo frequencies from the March 31, 2004, blanket dormancy waiver expiration date, until April 18, 2004.

Background

Order 2003-4-18 granted U.S. passenger carriers holding limited international route authority a blanket waiver of the dormancy conditions applicable to their authorities through March 31, 2004. The order also required U.S. carriers to notify the Department in writing no later than February 15, 2004, of the limited-entry rights that they will not be using beginning April 1. Finally, Order 2003-4-18 provided that carriers are free to seek extension of the dormancy waiver beyond March 31, 2004, for specific city-pair limited-entry services where they can demonstrate that circumstances warrant.

American filed a Notice of its intent to use seven weekly frequencies for daily nonstop service between Los Angeles and Tokyo, starting April 4, 2004. American noted that the Department granted Delta an amended notice on February 5 to extend Delta's waiver for its Atlanta-Buenos Aires market. American requests similar treatment and thus requests its waiver to be granted until April 18, 2004. American stated that it would poll all parties served with its application for non-objections. By letter dated February 6, 2004, American advised the Department that there are no objections to its application.

Applicant rep: Carl B. Nelson, Jr. 202-496-5647

DOT analyst: Linda Senese, 202-366-2367

DISPOSITION

XX **Granted** (see Remarks below)

The above action was effective when taken February 13, 2004, through April 18, 2004.¹

¹ American's waiver from the dormancy condition is effective through April 18, 2004, or until the date on which American begins service with each of these frequencies, whichever occurs earlier. As to any frequency with which American does not begin service by April 18, 2004, its frequency allocation with respect to that frequency expires automatically.

XX Action taken by: Paul L. Gretch, Director
Office of International Aviation

Remarks: We find that grant of American's request, in the particular circumstances presented, is in the public interest. However, we are putting American on notice that there should be no expectation that an additional request will necessarily be granted. Any future request to extend the dormancy waiver for the frequencies at issue here will have to be considered in light of any specific arguments offered and responses thereto, and in the context of the circumstances present at that time, including whether another carrier seeks to use the frequencies at issue.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the action taken in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*